

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANTHONY LEE MACHICOTE,
Plaintiff

v.

BARRY SMITH, et al.,
Defendants

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No. 1:20-cv-1315

(Judge Kane)

ORDER

AND NOW, on this 16th day of July, 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendants' motion to dismiss (Doc. 13) is **GRANTED**;
2. The complaint (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE**; and
3. Plaintiff shall within thirty (30) days from the date of this Order file an amended complaint that addresses the deficiencies identified in the Court's Memorandum Opinion. Failure to comply will be deemed abandonment of this action, and Plaintiff's action will be subject to dismissal with prejudice without further warning.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania